

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO. **02-20238 CR-GRAHAM**

21 U.S.C. § 846  
21 U.S.C. § 841(a)(1)  
18 U.S.C. § 1956(h)  
18 U.S.C. § 1956(a)(1)(B)(i)  
18 U.S.C. § 2

MAGISTRATE JUDGE  
**TURNOFF**

UNITED STATES OF AMERICA,

Plaintiff

v.

JORGE NICOLAS ACOSTA,

Defendant

**INDICTMENT**

The Grand Jury charges that:

**COUNT I**

From on or about February 26, 2002, the exact date being unknown to the Grand Jury, and continuing to on or about February 27, 2002, at Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendant,

**JORGE NICOLAS ACOSTA,**

did knowingly and intentionally combine, conspire, confederate, and agree with persons known and unknown to the Grand Jury, to possess with intent to distribute a Schedule I controlled substance,

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CLERK'S OFFICE  
CLERK U.S. DISTRICT  
S.D. OF FLORIDA  
MIA

9/16/02

that is, one hundred grams or more of a mixture and substance containing a detectable amount of heroin, in violation of Title 21, United States Code, Section 841(a)(1).

All in violation of Title 21, United States Code, Sections 846 and 841(b)(1)(B).

**COUNT II**

On or about February 27, 2002, at Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendant,

**JORGE NICOLAS ACOSTA,**

did knowingly and intentionally possess with intent to distribute a Schedule I controlled substance, that is, one hundred grams or more of a mixture and substance containing a detectable amount of heroin, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B), and Title 18, United States Code, Section 2.

**COUNT III**

From on or about February 26, 2002, the exact date being unknown to the Grand Jury, and continuing to on or about February 27, 2002, at Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendant,

**JORGE NICOLAS ACOSTA,**

did knowingly and intentionally combine, conspire, confederate, and agree with persons known and unknown to the Grand Jury to conduct financial transactions affecting interstate and foreign commerce, which involved the proceeds of a specified unlawful activity, to wit: the felonious importation, receiving, concealment, buying, selling and otherwise dealing in a controlled substance,

punishable under any law of the United States, knowing that the transactions were designed in whole or in part to conceal and disguise the nature, location, source, ownership and control of the proceeds of said unlawful activity, and that while conducting and attempting to conduct such financial transactions, knew that the property involved in the financial transactions represented the proceeds of some form of unlawful activity, in violation of Title 18, United States Code, Section 1956(a)(1)(B)(i).

All in violation of Title 18, United States Code, Section 1956(h).

**FORFEITURE**

(18 U.S.C. § 982(a)(1) and 21 U.S.C. § 853)

1. The allegations of Counts I through IV of this Indictment, which are punishable by imprisonment for more than one year, are re-alleged and by this reference fully incorporated herein for the purpose of alleging forfeitures to the United States of America pursuant to the provisions of Title 18, United States Code, Section 982(a)(1) and Title 21, United States Code, Section 853.

2. Upon the conviction of any violation of Title 21, United States Code, Sections 841 and 846, each defendant shall forfeit to the United States any property constituting or derived from any proceeds which the defendant obtained, directly or indirectly, as the result of such violation, and any property which the defendant used or intended to be used in any manner or part to commit or to facilitate the commission of such violations.

3. Upon the conviction of any violation of Title 18, United States Code, Section 1956, the defendant shall forfeit to the United States any property, real or personal, involved in such offense or any property traceable to such property.

4. The property subject to forfeiture includes but is not limited to the sum of \$368,320.00.

5. Pursuant to Title 21, United States Code, Section 853(p), as incorporated by reference by Title 18, United States Code, Section 982(b), if property described above as being subject to forfeiture, as a result of any act or omission of the defendant,

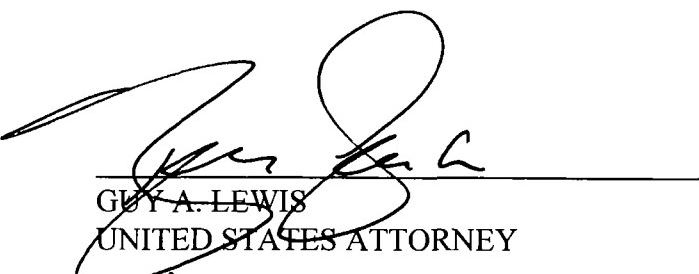
- (i) cannot be located upon due diligence;
- (ii) has been transferred, or sold to, or deposited with a third person;
- (iii) has been placed beyond the jurisdiction of the Court;
- (iv) has been substantially diminished in value; or
- (v) has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States to seek the forfeiture of other property of the defendant up to the value of the above-described forfeitable property.

All pursuant to Title 21, United States Code, Section 853 and Title 18, United States Code, Section 982.

A TRUE BILL

  
\_\_\_\_\_  
FOREPERSON

  
\_\_\_\_\_  
GUY A. LEWIS  
UNITED STATES ATTORNEY

  
\_\_\_\_\_  
LILLY ANN SANCHEZ  
ASSISTANT UNITED STATES ATTORNEY

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

UNITED STATES OF AMERICA

CASE NO.

02-20238

v.

JORGE NICOLAS ACOSTA

## CERTIFICATE OF TRIAL ATTORNEY

CR-GRANT  
MAGISTRATE JUDGE  
TURNOFF

Court Division: (Select One)

 Miami  Key West  
 FTL  WPB  FTPNew Defendant(s) Yes  No   
Number of New Defendants   
Total number of counts 

I do hereby certify that:

1. I have carefully considered the allegations of the indictment, the number of defendants, the number of probable witnesses and the legal complexities of the Indictment/Information attached hereto.
2. I am aware that the information supplied on this statement will be relied upon by the Judges of this Court in setting their calendars and scheduling criminal trials under the mandate of the Speedy Trial Act, Title 28 U.S.C. Section 3161.
3. Interpreter: (Yes or No) Yes  
List language and/or dialect Spanish
4. This case will take 5 days for the parties to try.
5. Please check appropriate category and type of offense listed below:  
(Check only one) (Check only one)

I	0 to 5 days	<u>XXX</u>	Petty
II	6 to 10 days	<u>      </u>	Minor
III	11 to 20 days	<u>      </u>	Misdem.
IV	21 to 60 days	<u>      </u>	Felony
V	61 days and over	<u>      </u>	<u>XXX</u>

6. Has this case been previously filed in this District Court? (Yes or No) No

If yes:

Judge: \_\_\_\_\_

Case No. \_\_\_\_\_

Has a complaint been filed in this matter? (Yes or No) Yes

If yes:

Magistrate Case No. 02-2316-STR

Related Miscellaneous numbers: \_\_\_\_\_

Defendant(s) in federal custody as of 02/27/02

Defendant(s) in state custody as of \_\_\_\_\_

Rule 20 from the \_\_\_\_\_ District of \_\_\_\_\_

Is this a potential death penalty case? (Yes or No) NO

7. Does this case originate from a matter pending in the U. S. Attorney's Office prior to April 1, 1999? Yes  No If yes, was it pending in the Central Region? Yes  No

8. Did this case originate in the Narcotics Section, Miami? X Yes  No

LILLY ANN SANCHEZ  
ASSISTANT UNITED STATES ATTORNEY  
Florida Bar No. 0195677

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDAPENALTY SHEET

02-20238

CR-GRAHAM

MAGISTRATE JUDGE  
TURNOFFDefendant's Name: JORGE NICOLAS ACOSTA

Count I: Conspiracy to posses with intent to distribute 100 grams or more of heroin

21 U.S.C. §841(a)(1)

\*Max. Penalty: 40 Years

Count II: Possession with intent to distribute 100 grams or more of heroin.

21 U.S.C. §841(a)(1)

\*Max. Penalty:  
40 Years

Count III: Conspiracy to launder monetary proceeds.

18 U.S.C. §1956(h)

\*Max. Penalty: 20 years

Count IV:

\*Max. Penalty:

Count V:

\*Max. Penalty:

Count VI:

\*Max. Penalty:

\*Refers only to possible term of incarceration, does not include possible fines, restitution, special assessments, parole terms, or forfeitures that may be applicable.

FILED BY  
CLERK OF THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF FLORIDA  
APR 12 PM 3:21

No. 02-20238-CR-GRAGAN

UNITED STATES DISTRICT COURT MAGISTRATE TURNOR

SOUTHERN District of FLORIDA

CRIMINAL Division

THE UNITED STATES OF AMERICA

vs.  
JORGE NICOLAS ACOSTA

**INDICTMENT**

21 U.S.C. §846, 841(a)(1)

18 U.S.C. §1956(h)

1956(a)(1)(B)(i)

18 U.S.C. §2

A true bill.

FGJ 01-02 (MJA)

Foreman

*Javier Hernandez*

Filed in open court this 12th day,

of March A.D. 2002

*Martha Schlesinger*

*Doris L. Tamm*

Clerk

Bail, \$

INDICTMENT NO. 1800

1800

02-EC-S-

GRAND JURY INDICTMENT NC. 0102-EC-S-

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 02-2316-BLG

UNITED STATES OF AMERICA,

v.

JORGE NICOLAS ACOSTA,

Defendant.

DETENTION ORDER

A detention hearing pursuant to 18 U.S.C. §3142(f) was held in the above-captioned case on March 6, 2002, at which time the factors enumerated in 18 U.S.C. §3142(g) were applied. Pursuant to 18 U.S.C. §3142(e), this Court hereby finds that no condition or combination of conditions will reasonably assure the appearance of this defendant as required. Therefore, this Court orders the detention of the defendant, Jorge Nicolas Acosta, prior to trial and until the conclusion thereof.

Pursuant to 18 U.S.C. §3142(i) the following findings of fact and statements of reason are made:

1. I find that the defendant is charged with conspiracy to possess with intent to deliver at least 100 grams of heroin, in violation of 21 U.S.C. §§ 841(a)(1) and 846, and with money laundering, in violation of 18 U.S.C. §1956(a)(1)(B)(i). Therefore, I find that the defendant is charged with a narcotics offense under Title 21 for which imprisonment for 5 years or more is prescribed. *See* §3142(g)(1).

2. Based upon the evidence proffered at the hearing, I further find that with respect to the weight of the evidence against the defendant, the government has a strong case. During the

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U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
D.C.

*[Signature]*

hearing, the government proffered that on February 27, 2002, the defendant was found in possession of 51 pellets of a white powdery substance that field-tested positive for heroin and weighed over 100 grams. In addition, the defendant had \$368,320.00 in U.S. currency in his possession. In a statement following his arrest, the defendant stated that he traveled to the United States from Colombia on February 25, 2002, to pick up and deliver monies for an individual in Colombia. Approximately \$10,000.00 was the defendant's payment for the deliveries. The defendant was also going to be receiving instructions for the delivery of the heroin.

3. Based upon the evidence proffered at the hearing and described above, I find that there is probable cause to believe that the defendant committed the offenses with which he has been charged. The statutory presumption that the defendant is a danger to the community applies in this case. Based upon the information contained in the defendant's PreTrial Services Report, incorporated by reference herein, the court also finds that the defendant presents a risk of flight. The defendant lives in Colombia. All of the defendant's family ties, including the defendant's children, are in Colombia.

Based on the above findings of fact, which were supported by clear and convincing evidence, it is my determination that this defendant presents a danger to the community, and, therefore, his pretrial detention is warranted.

I direct that the defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practical, from persons awaiting or serving sentences or being held in custody pending appeal.

I further direct that the defendant be afforded reasonable opportunity for private consultation with her counsel.

I further direct that, on order of a court of the United States or on request of an attorney for the government, that the person in charge of the corrections facility in which the defendant is confined, deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

This order is entered without prejudice to the defendant, who may, after notice to the government, seek reconsideration of this order based on additional evidence which the defendant may choose to present to this Court.

DONE AND ORDERED in Miami, Florida this 11<sup>th</sup> day of March, 2002.



BARRY L. GARBER  
UNITED STATES MAGISTRATE JUDGE  
SOUTHERN DISTRICT OF FLORIDA

cc: Lilly Ann Sanchez, AUSA  
J.C. Elso, Esq.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
CASE NO: 02-2316-BROWN

UNITED STATES OF AMERICA,

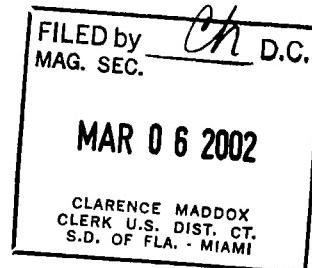
Plaintiff,

vs.

JORGE NICOLAS ACOSTA

ORDER

Defendant.



Pursuant to the Bail Reform Act, a detention hearing was held this date in accordance with 18 U.S.C. Section 3142(f). At the conclusion of the evidentiary hearing, the findings of fact and conclusions of law required by the Act were dictated into the record. It is thereupon

**ORDERED AND ADJUDGED** as follows:

1. The Defendant above named shall be detained pending trial in this case for the reasons stated on the record by the Court. The Court has found the defendant to be a risk of flight and/or a danger to the community.

2. A final Order of Detention memorializing the dictated findings and conclusions shall be entered forthwith.

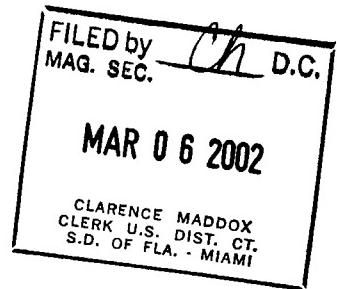
**DONE AND ORDERED** in Miami, Florida this 6TH day of MARCH, 2002.

TAPE NO.2002-C 18-1390

c: AUSA Sanchez  
Defense Counsel  
Pretrial Services  
U.S. Marshal

BARRY L. GARBER  
UNITED STATES MAGISTRATE JUDGE  
BARRY L. GARBER

WT



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
CASE NO. 02-2316-BROWN

UNITED STATES OF AMERICA,

vs.  
JORGE NICOLAS ACOSTA

ORDER ON HEARING TO  
REPORT RE COUNSEL

The above named defendant having appeared before the Court as ordered and reported efforts to retain counsel, it is thereupon

ORDERED as follows:

\_\_\_\_\_ Private counsel \_\_\_\_\_  
appeared in open court and is noted as permanent  
counsel of record.

\_\_\_\_\_ The defendant requested Court appointed counsel, was  
found eligible, and counsel will be appointed by  
separate order.

\_\_\_\_\_ The defendant requested Court appointed counsel but  
was found ineligible, and shall appear before the  
Court on \_\_\_\_\_  
at 10:00 a.m. to report regarding his/her further  
efforts to retain counsel, unless counsel notices a  
permanent appearance before that date.

✓ \_\_\_\_\_ The defendant requested further time to retain  
counsel and shall appear before the Court on  
\_\_\_\_\_3/12/02 at 10:00 a.m. to report  
regarding his/her further efforts to retain counsel,  
unless counsel notices a permanent appearance before  
that date.

\_\_\_\_\_ The arraignment is reset to \_\_\_\_\_ at 10:00 a.m.

**DONE AND ORDERED** at Miami, Florida this 6TH day of  
MARCH, 2002.

TAPE NO. 2002-C 18-1390

  
UNITED STATES MAGISTRATE JUDGE  
BARRY L. GARBER

c. Defense Counsel  
Pretrial Services or Probation  
U.S. Marshal  
AUSA

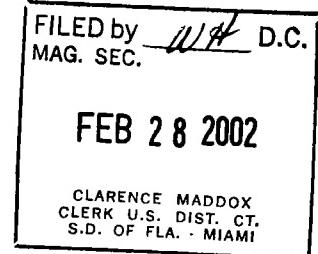
L. Sanchez, AUSA

S/16

CASE NUMBER

02-2316-STB

INTERPRETER REQUIRED IN CASE



FOREIGN LANGUAGE SPANISH

DEFENDANT(S) JORGE ACOSTA

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5/WH

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 02-2316 -STB

FILED by WHT D.C.  
MAG. SEC.

FEB 28 2002

UNITED STATES OF AMERICA,

v.

**NOTICE OF TEMPORARY  
APPEARANCE AS COUNSEL**

CLARENCE MADDOX  
CLERK U.S. DIST. CT.  
S.D. OF FLA. - MIAMI

JORGE ACOSTA

COMES NOW J.C. ELSO and

files this temporary appearance as counsel for the above named defendant(s) at initial appearance. This appearance is made with the **understanding** that the undersigned counsel will fulfill any **obligations imposed** by the Court such as **preparing and filing documents** necessary to collateralize any personal surety bond which may be set.

Counsel's Name (Printed) J.C. ELSO

Counsel's Signature J.C. ELSO

Address 501 NE 1ST AVE Suite 200  
Miami, FLA. ZIP CODE: 33132

Telephone (305) 379-3576

WHT

koia.

# UNITED STATES OF AMERICA

Plaintiff,

V.

JORGE ACOSTA

**Defendant.**

DOB: 8-3-79

Reg# 68365-004

The above-named defendant having been arrested on 2-27-02 having appeared before the court for initial appearance on 2-28-02 and proceedings having been held in accordance with F.R.C.P. 5 or 40(a), it is thereupon  
**ORDERED** as follows:

1. T.C. Elso appeared as permanent/temporary counsel of record.

Address: 3780 W. Flagler St., Coral Gables, FL

Zip Code: 33134 - 1602 Telephone: (305) 446-3377

2. \_\_\_\_\_ appointed as permanent counsel of record.

Address: \_\_\_\_\_

Zip Code: \_\_\_\_\_ Telephone: \_\_\_\_\_

3. The defendant shall attempt to retain counsel and shall appear before the court at 10:00 A.M. on 3/6, 2002.

4. Arraignment/Preliminary/Removal/Identity hearing is set for 10am 3/14, 2002.

5. The defendant is held in temporary pretrial detention pursuant to 18 U.S.C. Section 3142 (d) or

(f) because of Gant's request

A detention hearing, pursuant to 18 U.S.C. Section 3142(f), is set for 10am 3/6, 2002.

6. The defendant shall be released from custody upon the posting of the following type of appearance bond, pursuant to 18 U.S.C. Section 3142:

This bond shall contain the standard conditions of bond printed in the bond form of this Court and, in addition, the defendant must comply with the special conditions checked below:

a. Surrender all passports and travel document to the Pretrial Services Office.

b. Report to Pretrial Services as follows: \_\_\_ times a week by phone, \_\_\_ time a week in person;

\_\_\_\_\_ \_\_\_\_\_ \_\_\_\_\_ \_\_\_\_\_ \_\_\_\_\_ \_\_\_\_\_ \_\_\_\_\_

other: \_\_\_\_\_

c. Submit to random urine testing by Pretrial Services for substances prohibited by law.

d. Maintain continuous full-time gainful employment.

3/wH

JORGE ACOSTA

- e. Maintain or begin an educational program.
- f. Avoid all contact with victims of or witnesses to the crimes charged.
- g. Refrain from possessing a firearm, destructive device or other dangerous weapon.
- h. Comply with the following curfew: \_\_\_\_\_
- i. Avoid all commercial transportation facilities; no airports, no marinas, no bus terminals.
- j. Comply with the following additional special conditions of this bond:  
\_\_\_\_\_

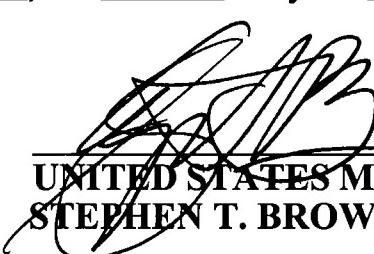
This bond was set: At Arrest \_\_\_\_\_  
On Warrant \_\_\_\_\_  
After Hearing \_\_\_\_\_

If bond is changed from that set in another District, the reason pursuant to Rule 40(f) is \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If this space is checked, an evidentiary hearing pursuant to United States v. Nebbia, 357 F.2d 303 (2 Cir. 1966) shall be held prior to the posting of the bond. Such hearing shall be scheduled promptly upon notification to the court that the defendant is ready to post bond.

7. The defendant has been advised by the court that if he or she is released on bond pursuant to the conditions set forth herein or those later ordered by the court, the defendant is subject to arrest and revocation of release and to various civil and criminal sanctions for any violation of those conditions. These various sanctions and penalties are set forth more fully in the Appearance Bond itself.
8. The defendant is committed to the custody of the United States Marshal until an appearance bond has been executed in accordance with this or subsequent court order.

**DONE AND ORDERED** at Miami, Florida, this 28th day of FEBRUARY  
2002 .

  
**UNITED STATES MAGISTRATE JUDGE  
STEPHEN T. BROWN**

c: Assistant U.S. Attorney  
Defendant  
Counsel  
U.S. Marshal  
Pretrial Services/Probation

UNITED STATES DISTRICT COURT  
Southern District of Florida

UNITED STATES of AMERICA )  
Plaintiff )  
VS- )  
Acosta, Jorge )  
Defendant )

) Case Number: CR \_\_\_\_\_  
REPORT COMMENCING CRIMINAL  
ACTION

FILED by D.H. D.C.  
MAG. SEC.

FEB 28 2002

CLARENCE MADDOX  
CLERK U.S. DIST. CT.  
S.D. OF FLA. MIAMI

68365-004

TO: Clerk's Office MIAMI FT. LAUDERDALE W. PALM BEACH  
U.S. District Court FT. PIERCE  
(circle one of above)

NOTE: CIRCLE APPROPRIATE LOCATION FOR APPEARANCE IN MAGISTRATES COURT ABOVE.

All items are to be completed. Information not applicable or unknown will be indicated "N/A".

- (1) Date and Time of Arrest: 2/27/02 1200 am/pm
- (2) Language Spoken: Spanish
- (3) Offense(s) Charged: 18 USC 1956 (Money Launder.)  
21 USC 841 (poss. & f Controlled Substance)
- (4) U.S. Citizen  Yes  No  Unknown
- (5) Date of Birth: 8-3-79
- (6) Type of Charging Document: (check one)  
 Indictment  Complaint to be filed/ already filed

Case # \_\_\_\_\_

- Bench Warrant for Failure to Appear  
 Probation Violation Warrant  
 Parole Violation Warrant

Originating District: Southern Dist.

COPY OF WARRANT LEFT WITH BOOKING OFFICER  Yes  No

Amount of Bond: \$ \_\_\_\_\_

Who set Bond: \_\_\_\_\_

- (7) Remarks: \_\_\_\_\_
- (8) Date: 2-27-02 (9) Arresting Officer: Jere Miles
- (10) Agency: U.S. Customs (11) Phone: (305) 597-6000
- (12) Comments: \_\_\_\_\_

2/14/02

# United States District Court

FILED by *[Signature]* D.C.  
MAG. SEC.

SOUTHERN

DISTRICT OF

FLORIDA

FEB 28 2002

UNITED STATES OF AMERICA

v.

JORGE NICOLAS ACOSTA

(Name and Address of Defendant)

CLARENCE MADDOX  
CLERK U.S. DIST. CT.  
S.D. OF FLA. - MIAMI

## CRIMINAL COMPLAINT

CASE NO. 02-2316-275

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. Between on or about February 26, 2002, to on or February 27, 2002, in Dade County in the Southern District of Florida the defendant did, knowingly and intentionally conspire to and possess with intent to distribute a Schedule I controlled substance, that is, one hundred grams or more of a mixture and substance containing a detectable amount of heroin; and during and in relation to this drug trafficking crime, knowing that the property involved in the following financial transaction represented the proceeds of some form of unlawful activity, and knowing that the transaction was designed in whole and in part to conceal and disguise the nature, location, source, and ownership and control of the proceeds of the specified unlawful activity, did knowingly conduct and attempt to conduct the financial transaction, affecting interstate and foreign commerce, to wit: the transfer and delivery of approximately \$408,000.00 in U.S. Currency, which in fact involved the proceeds of some form of specified unlawful activity, that is, the importation, receiving, concealing, buying, selling, and otherwise dealing in a controlled substance, punishable under any law of the United States.

in violation of Title 21; 18 United States Code, Section(s) 841(a)(1), and 846; 1956(a)(1)(B)(i)

I further state that I am a Special Agent of the USCS and that this complaint is based on the following facts:

Official Title

### SEE ATTACHED AFFIDAVIT

Continued on the attached and made a part hereof:

Yes  No

*[Signature]*  
Signature of Complainant

JERE MILES, SPECIAL AGENT  
UNITED STATES CUSTOMS SERVICE

Sworn to before me, and subscribed in my presence,

*2/28/02*  
Date

at Miami, Florida  
City and State

*[Signature]*  
Signature of Judicial Officer

STEPHEN T. BROWN, United States Magistrate Judge  
Name and Title of Judicial Officer

*W/T*

**AFFIDAVIT**

I, Jere T. Miles, being duly sworn, depose and say:

1. I am a Special Agent with the United States Customs Service (USCS) and have been so employed for the past 2 years. Prior to accepting my current position with USCS, I was a Deputy Sheriff in the State of South Carolina (SC) for approximately 6.5 years, where among other duties I served as a Narcotics Investigator and Resident Deputy Investigator. I am currently assigned to the office of the Special Agent In Charge (SAIC) Miami, Florida Office of the United States Customs Service where I primarily conduct currency and financial investigations relating to the international narcotics trade. As a member of the SAIC Miami Office I am currently assigned to Group 2 High Intensity Drug Trafficking Area (HIDTA) initiative – here after referred to as HIDTA Group 2 - that is responsible for the investigation of domestic and foreign money laundering investigations.
2. The information contained in this affidavit is based upon my personal knowledge and information received from other U.S. Customs Service agents and State/Local Officers.
3. On February 27, 2002, at approximately 0850 hours while conducting surveillance in the vicinity of SW 72<sup>nd</sup> St. and 152 Avenue, Miami, Florida, members of HIDTA Group 2 did observe a Silver Nissan Xterra being operated by a white male – later identified as Jorge Nicolas Acosta a.k.a. Jorge Nicolas Acosta-Ariza, a Colombian National.

4. At approximately 0910 hours the Xterra departed the area and drove directly to a gated community called "Emerald Palms" located at the intersection of SW 152<sup>nd</sup> St. and 122 Ave.
5. At approximately 0950 hours Jorge Acosta was observed with another white male, later identified as Benjamin LNU, as they approached the parked Xterra. Jorge Acosta had what appeared to be a black backpack type of bag in his hands as he approached the vehicle. The two men spoke very briefly and Jorge Acosta got in to the vehicle and proceeded to leave the community.
6. Jorge Acosta proceeded to an apartment located at 7490 SW 152<sup>nd</sup> Ave, Apt. 6, Miami, Florida 33192. At approximately 1110 hours Jorge Acosta exited his vehicle and entered apartment number six (6) where he remained for approximately 5 minutes. Jorge Acosta and a white male, later identified as Alberto Guillermo Saade a.k.a. Alberto Guillermo Saade-Serret a Colombian National, exited the apartment with a black and red gym bag in their possession. The bag was placed in the back seat of the Xterra behind the passenger seat. Alberto Saade then got in to the vehicle while Jorge Acosta locked the door to the apartment. Jorge Acosta then proceeded to get into the Xterra in the driver's seat.
7. At approximately 1115 hours, members of HIDTA Group 2 approached the Xterra, identified themselves and asked Jorge Acosta and Alberto Saade if they would talk to them. Both subjects agreed to talk with the agents/officers.
8. Jorge Acosta explained that the car was rented by him and was in his name. He was asked if it contained any narcotics, guns, or large quantities of currency to

which he replied no. He was then asked if he would consent to a search of his vehicle to which he replied yes. While agents were retrieving a "consent to search" form Jorge Acosta stated that there was a large quantity of currency located in the red and black bag behind the passenger seat. When questioned about the ownership of the money, Jorge Acosta replied that the money belonged to a guy named "Jorge LNU." He was supposed to meet Jorge at the Wal Mart on SW 88<sup>th</sup> Street. Jorge Acosta did not know the last name of the Jorge he was to give the money to nor did he know what type of vehicle Jorge was driving. Jorge Acosta further advised officers/agents that he had gotten the money from a guy name "Papo" and that he did not know his real name. Later, Jorge Acosta stated that he had gotten the money from Eduardo, a person later identified as Eduardo Del Gado. Jorge Acosta identified Eduardo Del Gado as "Papo".

9. The consensual search of the Xterra revealed a large black and red gym bag located behind the passenger seat. This bag contained a large quantity of United States currency packaged in at least one separate plastic bag and bundled together with both rubber bands and paper money binders. Jorge Acosta later advised that this bag contained approximately \$278,000.00 in United States currency. The search also revealed a black backpack type of bag containing Jorge Acosta's passport, an airline ticket, two checkbooks from different banks both in Jorge Acosta's name, a CD player, a camera, and three bundles of United States currency – totaling \$3,000.00. Jorge Acosta later advised that the currency in the black backpack was part of his payment for moving the currency for "Papo".

10. At this point Alberto Saade was asked if he was the resident of the apartment to which he replied yes. He was then asked if he would give consent for the agents/officers to search the apartment, to which he replied yes. Alberto Saade signed a "consent to search" form and then retrieved the keys to the apartment from Jorge Acosta who still had them in his possession.
11. A search was then conducted of the apartment and located in the closet of the bedroom used by Alberto Saade was a large black duffel type of bag. This bag was locked closed with a small padlock. Alberto Saade was asked who the bag belonged to and he stated Jorge Acosta. Jorge Acosta was asked if he had the keys to the bag and he stated yes. Utilizing the keys provided by Jorge Acosta, the bag was opened and located inside was a yellow "Lucky Strike" bag containing a large quantity – 9 bundles - of United States currency bundled together with rubber bands. Jorge Acosta later advised that this currency should total approximately \$120,000.00. Also located in the duffel bag were 51 pellets – approximately 1.2 lbs. – of an unidentified powder that later field tested positive as Heroin. At this point both subjects were placed under arrest.
12. Jorge Acosta and Alberto Saade were transported to the Special Agent in Charge Office of the US Customs Service, Miami, Florida. Prior to being transported to the SAIC Office both men were patted down and a large amount of United States currency was retrieved from Jorge Acosta's right thigh pocket. Jorge Acosta advised that the currency should be approximately \$5,400.00 and that it was his payment for the transportation of the money. Once at the SAIC, both men were processed for arrest, waived Miranda, and made statements to officers/agents.

13. Jorge Acosta stated that he arrived from Barranquilla, Colombia on February 25, 2002. He stated his purpose for coming to Miami, Florida was to pick-up and transport United States currency for a person he knew in Barranquilla, Colombia called "El Negro." Once in Miami, Jorge Acosta met with "Papo" who gave him the black backpack with the US Currency to be delivered. He further stated that on the morning of February 26, 2002, Jorge Acosta delivered approximately \$190,000.00 to an individual at a Mobile gas station. Later that same afternoon Jorge Acosta again met with "Papo" and received the large black duffel bag that contained additional currency and the 51 pellets of Heroin. Jorge Acosta advised that when he received the bag he did not know that it contained the pellets. When he saw them he knew they were narcotics of some type and contacted "Papo" who stated he would provide him with instructions on where to take the pellets once he was through delivering the money.
14. Jorge Acosta advised that on the morning of February 27, 2002, he was supposed to meet an individual and deliver the currency. This was the currency in the red and black gym bag located in the vehicle he had rented. Jorge Acosta advised that once he completed this delivery he was to be contacted by "Papo" and would get further instructions on where to deliver the remaining currency.
15. Jorge Acosta was asked about the currency that was located in the black backpack and he stated that it was more of the money he was paid for transporting the currency. The total amount of United States currency recovered from Jorge Acosta was approximately \$408,000.00.

16. Alberto Saade was interviewed and stated that Jorge Acosta went to his residence and handed him the large black duffel bag containing two packages of currency and the 51 pellets and told him to hold onto it and he would pay him \$200.00. Alberto Saade stated that he took the bag upstairs and placed it into his room but did not ask what was in it. Alberto Saade stated he thought the offer of the payment was strange but he knew that Jorge Acosta was involved in strange business. Alberto Saade did not see Jorge Acosta until the morning of February 27, 2002, when he came to the house to pick up Alberto Saade. At this time Jorge Acosta went upstairs and removed the red and black gym bag from the black duffel bag and they got in the Xterra to leave.
17. Therefore, based on the foregoing, your affiant respectfully submits that the above named subject conducted a money transaction in violation of Title 21, United States Code, Sections 841(a)(1) and 846; and Title 18 United States Code Sections 1956 (a)(1)(B)(i) and 2.

FURTHER AFFIANT SAYETH NAUGHT



JERE MILES  
U.S. CUSTOMS SERVICE

Subscribed and sworn to before  
me this 28<sup>th</sup> day of February 2002.



STEPHEN T. BROWN  
UNITED STATES MAGISTRATE JUDGE

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

Case No. 02-2316-STB

UNITED STATES OF AMERICA

vs.

JORGE NICOLAS ACOSTA

Defendant.

CRIMINAL COVER SHEET

1. Did this case originate from a matter pending in the United States Attorney's Office prior to April 1, 1999?  Yes  No
2. Did this case originate from a matter pending in the Central Region of the United States Attorney's Office prior to April 1, 1999?  Yes  No

Respectfully submitted,

~~GUY A. LEWIS~~  
~~UNITED STATES ATTORNEY~~

BY:

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